

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

C.P (IB) -2869/(MB)/2018

Under section 10 of IBC, 2016

In the matter of

C. S. Tubes Private Limited,  
Asha Studio Compound, Sion, Trombay  
Road, Chembur, Mumbai MH 400071.

....Corporate Applicant

Order delivered on: 15.01.2019

**Coram:**

Hon'ble Bhaskara Pantula Mohan, Member (J)

Hon'ble V. Nallasenapathy, Member (T)

For the Applicant: Advocate Prachi Wazalwar

*Per: Bhaskara Pantula Mohan, Member (J)*

**ORDER**

1. This Company Petition is filed by C. S. Tubes Private Limited (hereinafter called Corporate Applicant), under Section 10 of Insolvency and Bankruptcy Code 2016 ("the Code") read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016, for initiation of Corporate Insolvency Resolution process.
2. The Corporate Applicant submits that its registered office is at Asha Studio Compound, Sion, Trombay Road, Chembur, Mumbai MH 400071 and the Company was incorporated on 19.04.2000 vide CIN U27200MH2000PTC125998 on the file of Registrar of Companies Maharashtra, having paid up share capital of Rs. 40,00,000/-.
3. The Corporate Applicant in the Extra Ordinary General Meeting Held on 25.06.2018 resolved to initiate Corporate Insolvency Resolution Process by filing a petition u/s 10 of the Code. The Board of Directors of the Corporate Applicant authorised Mr. C. B. Maheshwari, Director of the Company, to file necessary application under the Code.

4. The Corporate Applicant has submitted that a sum of Rs. 2,24,27,642/- is due to Financial Creditors and Operational Creditors which is in default. The Corporate Applicant enclosed the letters received from some of the creditors demanding payment from Corporate Applicant as proof of default.
5. The Corporate Applicant has enclosed the audited financial statements for the years 2016-17 and 2017-18, the provisional balance sheet as on 31.10.2018, list of assets and liabilities of the Corporate Applicant, list of financial creditors and operational creditors, addresses of the members of the Company with details of their shareholding and details of debt owed by the Corporate Applicant to or by persons connected with the Corporate Applicant. It was submitted that no property was given as security to any of the Creditors.
6. The Corporate Applicant proposed Mr. Pradeep Vithal Sawant, having registration No. as IBBI/IPA-002/IP-N00164/2017-18/10433 having address at 2<sup>nd</sup> Floor, 65, Old Oriental Building, Hutatma Chowk, Mumbai-400001, as Interim Resolution Professional (IRP) to carry the functions as mentioned under the Code.
7. On perusal of the Petition and the documents annexed with the Petition, this Bench is of the considered view that there are debts and the Corporate Applicant has committed default in repayment of the debts and the Petition contains the particulars as required u/s 10 of the Code. Hence, this Bench hereby admits this petition, declaring moratorium with consequential directions as mentioned below:
  - (i) That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Applicant including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the Corporate Applicant any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Applicant

in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Applicant.

- (ii) That the supply of essential goods or services to the Corporate Applicant, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- (iii) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- (iv) That the order of moratorium shall have effect from 15.01.2019 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of Section 31 or passes an order for liquidation of Corporate Applicant under Section 33, as the case may be.
- (v) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under Section 13 of the Code.
- (vi) That this Bench hereby appoints Mr. Pradeep Vithal Samant, having registration No. as IBBI/IPA-002/IP-N00164/2017-18/10433 having address at 2<sup>nd</sup> Floor, 65, Old Oriental Building, Hutatma Chowk, Mumbai-400001 as Interim Resolution Professional to carry the functions as mentioned under the Code.

8. Accordingly, this Petition is admitted.

9. The Registry is hereby directed to communicate this order to the Corporate Applicant and the IRP immediately.

SD/-  
V. Nallasenapathy  
Member (Technical)

SD/-  
Bhaskara Pantula Mohan  
Member (Judicial)